

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

REC'D 09 MAR 2006

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See Form PCT/PEA/416

Applicant's or agent's file reference
215984

FOR FURTHER ACTION

International application No.
PCT/BE2005/000002

International filing date (day/month/year)
07.01.2005

Priority date (day/month/year)
09.01.2004

International Patent Classification (IPC) or national classification and IPC
INV. G01G19/08

Applicant
NUYTS, Ludovicus C.M.

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 5 sheets, including this cover sheet.
3. This report is also accompanied by ANNEXES, comprising:
 - a. ☒ sent to the applicant and to the International Bureau a total of 3 sheets, as follows:
 - ☐ sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).
 - ☐ sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.
 - b. ☐ (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) , containing a sequence listing and/or tables related thereto, in electronic form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).

4. This report contains indications relating to the following items:

- ☒ Box No. I Basis of the report
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

Date of submission of the demand

08.11.2005

Date of completion of this report

08.03.2006

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**INTERNATIONAL PRELIMINARY REPORT
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Box No. I Basis of the report

1. With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☐ This report is based on translations from the original language into the following language , which is the language of a translation furnished for the purposes of:
- ☐ international search (under Rules 12.3 and 23.1(b))
 - ☐ publication of the international application (under Rule 12.4)
 - ☐ international preliminary examination (under Rules 55.2 and/or 55.3)
2. With regard to the **elements*** of the international application, this report is based on (*replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report*):

Description, Pages

1-4 as originally filed

Claims, Numbers

2-6 received on 09.11.2005 with letter of 08.11.2005

1, 7 received on 23.01.2006 with letter of 18.01.2006

Drawings, Sheets

1/1 as originally filed

☐ a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing

3. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages
- ☐ the claims, Nos.
- ☐ the drawings, sheets/figs
- ☐ the sequence listing (*specify*):
- ☐ any table(s) related to sequence listing (*specify*):

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

- ☐ the description, pages
- ☐ the claims, Nos.
- ☐ the drawings, sheets/figs
- ☐ the sequence listing (*specify*):
- ☐ any table(s) related to sequence listing (*specify*):

* If item 4 applies, some or all of these sheets may be marked "superseded."

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Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	1-7
	No: Claims	
Inventive step (IS)	Yes: Claims	1-7
	No: Claims	
Industrial applicability (IA)	Yes: Claims	1-7
	No: Claims	

2. Citations and explanations (Rule 70.7):

see separate sheet

Re Item V

Reasoned statement with regard to novelty, inventive step or industrial applicability.

D1: US-A-5 773 768 (NUYTS ET AL) 30 June 1998 (1998-06-30)

D2: EP-A-0 476 778 (NV NUYTS ORB) 25 March 1992 (1992-03-25)

Independent apparatus claim 1

The document D1 is regarded as being the closest prior art to the subject-matter of claim 1, and shows (the references in parentheses applying to this document):

- A weighing system for weighing a receptor (title, abstract and fig. 11 and 12), comprising a weighing element ("load cell (17)") for bearing the weight of the receptor ("weighing frame (11)" and col. 5, l. 4-6), the weighing element having two fastening ends (fig. 11), and being connected with two fasteners (9, 15) respectively to the receptor and to the framework (fig. 11), whereby one fastener ("connecting element (9)" together with "lower connection member (not numbered)" in fig. 11 and 12) is positioned in the connection between one fastening end of the weighing element and the framework ("supporting frame (12)"), while the other fastener ("connecting element (not numbered)" together with "upper connection member (not numbered)" in fig. 11 and 12) is positioned in the connection between the other fastening end of the weighing element and the receptor ("weighing frame (11)"), the weighing system having a lifting device comprising a leverage ("hydraulic cylinder (13)") that can lift the receptor for weighing and that can deposit the receptor after weighing (col. 3, l. 55-62).

The subject-matter of claim 1 differs from this known system in that the leverage connects one fastening end and the associated fastener.

The subject-matter of claim 1 is therefore new (Article 33(2) PCT).

The technical problem to be solved by the present invention may be regarded as to improve the accuracy of measurement.

The solution to this problem proposed in claim 1 of the present application is considered as involving an inventive step (Article 33(3) PCT) for the following reasons:

The hydraulic cylinder of D1 rests on the weighing frame as seen from Fig. 11, it is however not connecting one fastening end of the weighing element (17) to its associated fastener. Therefore, faced with the technical problem and having only D1 at his disposal and using his general common knowledge, the skilled person has no incentive in modifying the apparatus of D1 in order to come to such a configuration as claimed in claim 1.

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(SEPARATE SHEET)**

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The document D2 is also silent about this construction. The skilled person would then not consider D2 when faced with the technical problem to be solved by claim 1.

Dependent claims 2 to 7

Claim 2 to 7 are dependent on claim 1 and as such also meet the requirements of the PCT with respect to novelty and inventive step.